



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/329,140	06/09/1999	TOBIAS H. HOLLERER	MS-55(115203	7744

7590

05/14/2003

Himanshu S. Amin  
Amin & Turocy LLP  
24th Floor - National City Center  
1900 East 9th Street  
Cleveland, OH 44114

EXAMINER

HUYNH, BA

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 05/14/2003

19

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**MAILED**

**MAY 14 2003**

**Technology Center 2100**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Paper No. 19

Application Number: 09/329,<sup>140</sup>~~410~~  
Filing Date: June 10, 1999  
Appellant(s): DECKARD, WILLIAM

Himanshu S. Amin  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed on 3/10/03.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

Art Unit: 2173

**(2) *Related Appeals and Interferences***

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) *Grouping of Claims***

Appellant's brief includes a statement that claims 1-5, 25-31 and 39, 41-42 and 50 stand or fall together. It is noted that claim 40 is not included in the group~~ed~~. However, the brief did not provide reason why claim 40 should be considered separately as set forth in 37 CFR 1.192(c)(7) and (c)(8). Accordingly, claim 40 will be treated as stand or fall together with the group as well.

**(8) *Claims Appealed***

Art Unit: 2173

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) Prior Art of Record**

5,678,015	Goh	10-1997
5,880,733	Horvitz et al	3-1999

**(10) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-5, 25-31, 39-42 and 50 are rejected under 35 U.S.C. 103(a). Claims 1, 2, 5, and 50 are further rejected under 35 U.S.C 102(a). These rejections are set forth in prior Office Action, Paper No. 8.

**(11) Response to Argument**

a. The 103 rejections of claims 1-5, 25-31, 39-42, and 50.

Goh teaches a computer-implemented method for interacting with a display. The user operates the computer system by entering commands using the keyboard and mouse; in response, the processing unit executes the commands and present feedback to the user via the display (3:35-39). Figure 6 shows the simultaneous displaying of windows on faces of a cube responsive to a user input event (2:43-51; 5:1-6; 6:16-41). Each window displays different information related to the input event. The windows can be application workspaces (6:7-8). The input event can also be a rotation command, which causes the computer to display information of a first type in a first window of a first face of the cube, and information of a second type in a second window of a second face of the cube. Claim 1 recites "accepting an event from the user input device". An input device is a peripheral device whose purpose is to allow the user to give input to a computer system.

Art Unit: 2173.

An event is an action or occurrence, often generated by the user, to which a program might respond. For example, key presses, button clicks, or mouse movements (see attached Microsoft Press Computer Dictionary). Thus an event from the user input device has been interpreted as the occurrence of a key press, or a button click, or a mouse movement from the user input device. The appellants appear to have a narrow interpretation of “an event from the user input device” as a “task”, this limitation is not recited in the language of the claim 1. It has been held that claims must be given broadest reasonable interpretation. The appellants further argue that Goh’s four faces of the cube display the same icons or application. This interpretation is not supported by Goh’s disclosure. Goh clearly teaches that each face of the cube displays a different and independent window. Each of the windows is a single independent workspace. The windows can be a word processing window and a drawing application window. Clearly, the word processing window and the drawing application window display respectively information of a first and second type. Examples of the window are shown in figure 1 (3:52-64). Thus Goh’s disclosure met the limitation “a first window displaying first information of a first type”, “a second window displaying second information of a second type”, and the first and the second information being related to the input event of the input device. Up to six independent windows can be displayed with different type of information at the same time, responsive (“related”) to a single input event (4:30-31; 6:14-42). The appellants further argue that Goh’s displayed information is not related through an event to another information window, this limitation is not required by the

Art Unit: 2173

language of claim 1. The claim merely recites that the information is related to the input event of the input device.

b. The 102 rejections of claims 1, 2, 5, and 50.

Horvitz et al teach the displaying of a first type of information in a first window and a second type of information in a second window (figures 3, 6) responsive to a user an input event. The appellants argue that Horvitz does not teach a relationship between the information displayed in the windows and an input event. As set forth above, an event is an action, often generated by the user, to which a program might respond. For example, key presses, button clicks, or mouse movements (see attached Microsoft Press Computer Dictionary). Thus an event from the user input device has been interpreted as the occurrence of a key press, or a button click, or a mouse movement from the user input device. In Horvitz, the invocation command is the user input event through the input device (11:22-26). In response windows 46, 52, 58 are displayed in the three-dimensional such as those shown in figures 3 and 6, wherein a first window displays information of a first type and a second window displays information of a second type.

For the above reasons, it is believed that the rejections should be sustained.

Art Unit: 2173


Respectfully submitted,



**BA HUYNH**  
**PRIMARY EXAMINER**

Ba Huynh  
Primary Patent Examiner  
May 7, 2003

Conferees  
Raymond Bayerl  
Primary Patent Examiner



**RAYMOND J. BAYERL**  
**PRIMARY EXAMINER**  
**ART UNIT 2173**

Steven Sax  
Primary Patent Examiner



**STEVEN SAX**  
**PRIMARY EXAMINER**

ERIC A LAMORTE  
LAMORTE & ASSOCIATES PC  
985 READING AVENUE  
YARDLEY, PA 19067-1626